

Enclosure 1
ML100610501
Monthly 10 CFR 2.206,
“Requests for Action
Under this Subpart”
Status Report

PETITIONS CLOSED DURING THIS PERIOD

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FACILITY: Indian Point (IP), Units 2 & 3
REACTOR TYPE: Pressurized Water Reactor
PETITIONER: Sherwood Martinelli



CLOSED PETITION
EDO # G20090710

DATE OF PETITION: DECEMBER 19, 2009
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: FEBRUARY 23, 2010
PETITION MANAGER: JOHN BOSKA
CASE ATTORNEY: N/A



ACTIONS REQUESTED AND ISSUES

For detailed reasons specified within the petition request, the petitioner requests that the NRC seek enforcement action, as described in the petition, against Entergy, the licensee for Indian Point (IP) Units 2 and 3, on the basis that the feedwater pumps are failing and no longer operating in a reliable and safe manner.

BACKGROUND, ACTIONS & KEY MILESTONES

CURRENT STATUS AND NEXT STEPS

PETITION AGE: ~3 MONTHS

<p>The petitioner filed a petition for an enforcement action under 10 CFR 2.206.</p>	<p>12/19/09</p>		<p>1/12/10</p>
<p>On December 22, 2009, the PRB met to discuss the petitioner's request for immediate action only. The PRB denied the request for immediate action. The PRB did not identify any immediate safety concerns to warrant an immediate shutdown of IP2 and IP3. The petitioner was informed of this decision and requested an opportunity to address the PRB by telephone before the PRB meets to make its initial recommendation.</p>	<p>12/22/09</p>	<ul style="list-style-type: none"> On January 12, 2010, the petitioner addressed the PRB by telephone. The transcript of this call has been made available to the public (ADAMS No. ML100150010). 	<p>1/21/10</p>
<p>On January 7, 2010, the PRB requested an extension from the OEDO until March 30, 2010, to support additional interactions with the petitioner, as described in MD 8.11. The OEDO approved the extension request.</p>	<p>01/07/10</p>	<ul style="list-style-type: none"> On January 21, 2010, the PRB met internally to make an initial recommendation. The PRB's initial recommendation was that it met the criteria for rejection. The petitioner did not respond to a second opportunity to provide the PRB with additional information. On February 23, 2010, the PRB issued the closure letter (ADAMS Accession No. ML100330854) to the petitioner. Since no new information was provided by the petitioner after he was informed of the PRB's initial recommendation, the PRB's initial recommendation became the final recommendation. The PRB's final recommendation was to reject this petition for review since the petitioner had not provided sufficient facts to constitute a basis for the requested enforcement actions or to demonstrate the existence of safety problems or hazardous conditions. All NRC actions on this petition are closed. 	<p>02/23/10</p>

FACILITY: Indian Point (IP), Units 2 & 3;
REACTOR TYPE: Pressurized Water Reactor
PETITIONER: Thomas Gurdziel



CLOSED PETITION
EDO # G20100014

DATE OF PETITION: JANUARY 2, 2010
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: MARCH 16, 2010
PETITION MANAGER: RICHARD GUZMAN
CASE ATTORNEY: N/A



ACTIONS REQUESTED AND ISSUES

Basis For The Request:

1. The petitioner states he is displeased with the present reliability of the Entergy/Indian Point battery backup emergency siren system.
2. The petitioner requests that NRC impose a penalty of 10% per month power reduction if (1) the cause(s) of recent failure of IP siren system to sound in Putnam County is not identified and (2) corrective actions are not fully taken in 30 days from the date of the failure event.
3. The petitioner provides 4 courses of action for plant owner: (1) reduce time between tests and perform test twice; (2) change siren activation sequence so that sirens are sounded for one county at a time; (3) replace all individuals presently assigned to the new siren system's operation, maintenance, and/or repair; and (4) design and build a replacement new battery backup emergency siren system that is not as complicated as the present siren system.

BACKGROUND, ACTIONS & KEY MILESTONES		CURRENT STATUS AND NEXT STEPS	
		PETITION AGE: ~2 MONTHS	
The petitioner filed a petition for an enforcement action under 10 CFR 2.206.	01/02/10	<ul style="list-style-type: none"> On February 16, 2010, the PRB documented the final recommendation in a closure letter (ADAMS Accession No. ML100420040) to the petitioner. All NRC actions on this petition are closed. 	02/16/10
On January 7, 2010, the petitioner supplemented his petition request in a letter to the OEDO by citing NRC Inspection Report 05000286/2006002. This letter requested that the NRC "determine if failures were properly inspected, properly reported, and properly acted upon, and if needed, determine how many more inspections of any Indian Point Unit 1, Unit 2, or Unit 3 siren system have been inappropriately handled by the NRC to date."	01/07/10		
On January 14, 2010, the petition manager informed the petitioner of the 10 CFR 2.206 process and offered him an opportunity to address the PRB. The petitioner declined the opportunity to address the PRB.	01/14/10		
On January 25, 2010, the PRB met internally to discuss the petitioner's requests. The PRB's initial recommendation was that the petition <u>does not meet</u> the criteria for review on the basis that the petitioner fails to provide sufficient facts to warrant further inquiry.	01/25/10		
On January 26, 2010, the petition manager informed the petitioner of the PRB's initial recommendation and offered him a second opportunity to address the PRB. The petitioner declined a second opportunity to address the PRB. Since no additional information was provided by the petitioner, the PRB initial recommendation became the final recommendation.	01/26/10		

FACILITY: Turkey Point (TP), Units 3 and 4
REACTOR TYPE: Pressurized Water Reactor
PETITIONER: Thomas Saporito



OPEN PETITION
EDO # G20090107

DATE OF PETITION: JANUARY 11, 2009
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: MARCH 19, 2010
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: NOVEMBER 19, 2009
PETITION MANAGER: JASON PAIGE
CASE ATTORNEY: MOLLY BARKMAN



ACTIONS REQUESTED AND ISSUES

The petitioner requests that the NRC take enforcement action against Florida Power and Light Company (FPL), the licensee for TP, Units 3 and 4, by issuing a Notice of Violation and Civil Penalty in the amount of \$1 million and a Confirmatory Order modifying FPL's operating licenses DPR-31 and DPR-41 for TP Units 3 and 4, as described in the January 11, 2009, 10 CFR 2.206 petition request.

BASIS FOR THE REQUEST

On or about January 17, 2008, the licensee, FPL, completed a self-assessment of the TP, Unit 3 and 4 facility, which included an assessment of the TP Employee Concerns Program (ECP). The purpose of the self-assessment was for FPL to understand and address weaknesses in the ECP. The petitioner states that FPL has continually engaged in retaliatory actions against its own employees who raise safety concerns at TP Units 3 and 4, and that the enforcement actions sought, including the confirmatory order, will dissuade FPL from further violations of NRC regulations and requirements under 10 CFR 50.7, "Employee Protection." The petitioner contends that such action will protect the public health and safety by eliminating the chilling effect that currently exists at TP Units 3 and 4 and fostering a work environment in which employees can freely raise safety concerns directly to the NRC and FPL management without fear of retaliation.

BACKGROUND, ACTIONS, & KEY MILESTONES

CURRENT STATUS & NEXT STEPS

PETITION AGE: ~13 MONTHS

The petitioner filed a petition for an enforcement action under 10 CFR 2.206.	01/11/09
To review the complete status of this petition up until May 1, 2009, please refer to the December 2009 monthly status report (ADAMS Accession No. ML100070075).	
On May 1, 2009, the PRB requested an extension from the OEDO to support the additional interactions required for the PRB to make its initial and final recommendation. On May 4, 2009, the OEDO approved the extension request with a new due date of June 30, 2009.	05/01/09
On May 7, 2009, the petitioner addressed the PRB by phone. The PRB reviewed the additional information to determine if the petition met the criteria for acceptance under 10 CFR 2.206.	05/07/09
On June 25, 2009, the OEDO approved an extension until July 17, 2009 for the PRB to issue its final recommendation.	06/25/09
On June 30, 2009, the PRB made an initial recommendation to accept the petition for review, in part, under 10 CFR 2.206. The NRC notified the petitioner of the initial recommendation on July 1, 2009, and the petitioner requested a second opportunity to provide additional information to the PRB.	06/30/09

<ul style="list-style-type: none"> On July 10, 2009, the PRB held a telephone call with the petitioner. 	07/10/09
<ul style="list-style-type: none"> On August 10, 2009, the OEDO approved an extension request until November 20, 2009, to support the PRB's need for additional coordination with RII, prior to making a final recommendation. 	08/10/09
<ul style="list-style-type: none"> On November 19, 2009, the PRB issued an acknowledgement letter to the petitioner, accepting the petition in part for review under 10 CFR 2.206. (ADAMS Accession No. ML091880900) 	11/19/09
<ul style="list-style-type: none"> On December 11, 2009, the PRB issued a revised <i>Federal Register</i> Notice to correct an omission. 	12/11/09
<ul style="list-style-type: none"> On January 5, 2010, Mr. Saporito submitted a 2.206 petition (G20100009) regarding the TP ECP. In the January 5, 2010, letter, Mr. Saporito referenced similar issues as stated in his January 11, 2009 petition, G20090107. G20090107 has already been accepted for review, in part. 	01/05/10
<ul style="list-style-type: none"> On January 20, 2010, the OEDO approved the PRB's request to handle G20100009 as a supplement to G20090107. The letter from Mr. Saporito, associated with G20100009 will be addressed in the Proposed Director's Decision associated with G20090107. The OEDO has terminated G20100009. 	01/20/10

FACILITY: Idaho State University
REACTOR TYPE: Research Test Reactor
PETITIONER: Kevan Crawford



OPEN PETITION
EDO # G20090374

DATE OF PETITION: JUNE 26, 2009, AS SUPPLEMENTED BY EMAILS DATED AUGUST 28, 2009
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: MARCH 19, 2010
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: DECEMBER 30, 2009
PETITION MANAGER: GREG SCHOENEBECK
CASE ATTORNEY: KIMBERLY SEXTON



ACTIONS REQUESTED AND ISSUES

The petitioner is concerned that Idaho State University is not operating the research and test reactor in accordance with NRC regulations and requests that the NRC immediately suspend the reactor operating license for Idaho State University.

BACKGROUND, ACTIONS & KEY MILESTONES

CURRENT STATUS AND NEXT STEPS

PETITION AGE: ~8 MONTHS

The petitioner filed a petition for an enforcement action under 10 CFR 2.206.	06/26/09	<ul style="list-style-type: none"> On September 29, 2009, members of the PRB contacted the petitioner by telephone to inform him of the PRB's initial recommendation and to offer the petitioner a second opportunity to address the PRB. On October 1, 2009, the petitioner declined an opportunity to address the PRB again. The PRB plans to make a final recommendation to support issuance of the acknowledgement letter by November 18, 2009. On November 19, 2009, the PRB issued an acknowledgement letter to the petitioner, accepting the petition in part for review under 10 CFR 2.206. (ADAMS Accession No. ML092800432) On December 30, 2009, the petitioner contacted the petition manager by email to provide feedback on the <i>Federal Register</i> notice. The PRB is treating the additional feedback provided in this email as supplemental information. 	09/29/09
On July 16, 2009, the petitioner requested an opportunity to address the PRB before it meets internally to make an initial recommendation to accept or reject the petition for review under 10 CFR 2.206.	07/16/09		10/01/09
On July 23, 2009, the OEDO approved an extension request until September, 30, 2009, to support the PRB's ability to coordinate the call with the petitioner in accordance with Management Directive 8.11.	07/23/09		11/19/09
On August 6, 2009, the petitioner was scheduled to address the PRB by telephone. Due to a schedule conflict with the petitioner, the PRB rescheduled the telephone call for September 1, 2009.	08/06/09		12/30/09
On August 28, 2009, the petitioner provided a written statement of the comments he intended to make during the September 1, 2009 telephone call.	08/28/09		
On September 1, 2009, the petitioner addressed the PRB.	09/09/09		
On September 15, 2009, the PRB met internally and made an initial recommendation to accept the petition, in part, for review under 2.206.	09/15/09		
On September 24, 2009, the OEDO approved an extension request until November 18, 2009, to support the PRB's ability to coordinate additional calls with the petitioner.	09/24/09		

FACILITY: Indian Point (IP), Units 2 & 3; Vermont Yankee Nuclear Power Station;
 River Bend Nuclear Power Plant
REACTOR TYPE: Pressurized Water Reactor; Boiling Water Reactor
PETITIONER: Sherwood Martinelli



OPEN PETITION
EDO # G20090487

DATE OF PETITION: AUGUST 22, 2009
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: MARCH 10, 2010
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: DECEMBER 22, 2009
PETITION MANAGER: DOUG PICKETT
CASE ATTORNEY: N/A



ACTIONS REQUESTED AND ISSUES

The petitioner requests that the NRC suspend the operations of Entergy owned plants, (specifically for Indian Point Units 2 and 3 (IP3), Vermont Yankee Nuclear Station, and River Bend Nuclear Power Plant) until Entergy brings the decommissioning funds for all of its licensed nuclear reactors to the adequate minimum levels required by the NRC regulations.

BACKGROUND, ACTIONS & KEY MILESTONES		CURRENT STATUS AND NEXT STEPS	
		PETITION AGE: ~6 MONTHS	
The petitioner filed a petition for an enforcement action under 10 CFR 2.206.	08/22/09	<ul style="list-style-type: none"> On December 17, 2009, the PRB issued an acknowledgement letter to the petitioner, accepting the petition in part for review for Vermont Yankee Nuclear Station and River Bend Nuclear Power Plant, under 10 CFR 2.206 (ADAMS Accession No. ML093440334). On December 22, 2009, the petitioner provided supplemental information in support of his petition by email. On December 28, 2009, Mr. Martinelli submitted an email to the NRC, which was tracked under G20090722 (now a closed petition). In G20090722, Mr. Martinelli referenced his petition of August 22, 2009 (G20090487) and voiced objections to the PRB denying his petition with respect to Indian Point. The PRB met internally on January 14, 2010, and concluded that in accordance with MD 8.11, Mr. Martinelli's email dated December 28, 2009 (G20090722), would be better handled as a supplement to G20090487. Therefore, the information provided in G20090722 will be reviewed as a supplement to G20090487. The OEDO has terminated G20090722. 	12/17/09
On September 3, 2009, the petition manager offered the petitioner to address the PRB prior to its initial meeting to make an initial recommendation. The petitioner requested an opportunity to address the PRB; however, due to scheduling conflicts, the petitioner requested that the telephone call be held in mid-October. The petition manager is in the process of coordinating a date for the call.	09/03/09		12/22/09
On September 25, 2009, the petition manager spoke to the petitioner, after several attempts were made by phone and email, to confirm if the petitioner could support a call on October 20, 2009. The petitioner stated that he could not commit to this date. The call tentatively planned for October 20, 2009, was cancelled on October 19, 2009, since the petitioner was unavailable.	09/25/09		12/28/09
On October 27, 2009, the petition manager spoke to the petitioner. The petitioner was still unable to confirm his availability for a future telephone call to address the PRB. The petition manager is still following up with the petitioner to establish a future date for a telephone call.	10/27/09		01/14/10
On November 10, 2009, the petition manager informed the petitioner that the PRB planned to proceed with an internal meeting to make an initial recommendation to accept or reject the petition for review under 10 CFR. Once the initial recommendation has been made, the petition manager will inform the petitioner and provide him with a second opportunity to address the PRB. An internal PRB meeting is scheduled for December 8, 2009.	11/10/09		

FACILITY: Prairie Island Nuclear Power Plant
REACTOR TYPE: Pressurized Water Reactor
PETITIONER: David Lee Sebastian



OPEN PETITION
EDO # G20090510

DATE OF PETITION: SEPTEMBER 4, 2009
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: MAY 14, 2010
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: JANUARY 15, 2010
PETITION MANAGER: TERRY BELTZ
CASE ATTORNEY: MAURI LEMONCELLI



ACTIONS REQUESTED AND ISSUES

The petitioner requests that the NRC issue an Order for compliance and to exhaust any and all administrative remedy on behalf of the petitioner to request that the Personnel Security Manager and Program Manager (for Northern States Power Company) and the Prairie Island Nuclear Power Plant, cease and desist from the current arbitrary practices using the Access Authorization Program/Fitness for Duty Program, for purposes other than their created intent.

BACKGROUND, ACTIONS & KEY MILESTONES

CURRENT STATUS AND NEXT STEPS

PETITION AGE: ~6 MONTHS

The petitioner filed a petition for an enforcement action under 10 CFR 2.206.	09/04/09	<ul style="list-style-type: none"> On Monday, October 26, 2009, the PRB met internally to make an initial recommendation to accept or reject the petition under 10 CFR 2.206. The PRB Chair recommended that additional coordination with the NRC's Office of General Counsel and the Allegations Coordinator occur prior to finalizing the initial recommendation. 	10/26/09			
The NRC staff determined that the letter contained no allegations. On September 22, 2009, the letter was referred from allegations to the 10 CFR 2.206 process since it contained a request that the NRC take enforcement action against Prairie Island.	09/22/09		<ul style="list-style-type: none"> On December 2, 2009, the PRB made an initial recommendation to accept the petition for review under 10 CFR 2.206. 			
On Thursday, September 24, 2009, the petition manager left messages by phone and email with the petitioner to discuss the 10 CFR 2.206 process.	09/24/09			<ul style="list-style-type: none"> On December 9, 2009, the OEDO approved an extension until January 15, 2010, for the PRB to issue an acknowledgement letter. 	12/02/09	
On September 28, 2009, the petition manager arranged a time to call the petitioner to discuss the 10 CFR 2.206 process further. The petitioner was unavailable.	09/28/09				<ul style="list-style-type: none"> On December 16, 2009, the petition manager informed the petitioner of the PRB initial recommendation by telephone, to accept the petition for review. The petitioner did not request to address the PRB to provide additional information. 	12/09/09
On September 30, 2009, the petition manager followed up with the petitioner by email to arrange a time for the initial call.	09/30/09					<ul style="list-style-type: none"> On January 15, 2010, the PRB issued an acknowledgement letter to document the PRB's final recommendation to accept the petition for review (ADAMS Accession No. ML093410050).
On October 13, 2009, the petitioner addressed the PRB by telephone to clarify the information that was provided in the petition request.	10/13/09					

FACILITY: Crystal River Nuclear Generating Plant, Unit 3
REACTOR TYPE: Pressurized Water Reactor
PETITIONER: Thomas Saporito



**OPEN PETITION
 UNDER
 CONSIDERATION
 EDO # G20090690**

DATE OF PETITION: DECEMBER 5, 2009
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: FEBRUARY 12, 2010
PETITION MANAGER: FARIDEH SABA
CASE ATTORNEY: MICHAEL CLARK



ACTIONS REQUESTED AND ISSUES

For reasons specified within the petition request, the petitioner requests that the NRC take enforcement action against Progress Energy Company, the licensee for Crystal River Nuclear Generating Plant, Unit 3, in the interest of protecting the public health and safety regarding the structural failure of the Crystal River, Unit 3, containment building.

BACKGROUND, ACTIONS & KEY MILESTONES

CURRENT STATUS AND NEXT STEPS

PETITION AGE: ~3 MONTHS

The petitioner filed a petition for an enforcement action under 10 CFR 2.206.	12/05/09	<ul style="list-style-type: none"> On December 11, 2009, the OEDO approved an extension request until March 8, 2010, to support the PRB with scheduling of the initial telephone call with the petitioner, the PRB internal meetings, a possible second presentation by the petitioner to the PRB by phone, and issuance of the acknowledgement letter. 	12/11/09
On December 9, 2009, the petition manager contacted the petitioner (by telephone and email) to discuss the 2.206 process. The petitioner informed the petition manager by email that he requested an opportunity to address the PRB by telephone before the PRB meets to make the initial recommendation to accept or reject the petition for review under 10 CFR 2.206. A call is scheduled with the petitioner on January 7, 2010.	12/09/09	<ul style="list-style-type: none"> On January 7, 2010, the petitioner addressed the PRB by telephone to provide additional information in support of the petition. On January 21 and February 1, 2010, the PRB met internally and made an initial recommendation to accept the petition for review, in part. On February 3, 2010, the petitioner was informed of the PRB's initial recommendation and offered a second opportunity to address the PRB. On February 12, 2010, the petitioner declined the opportunity to address the PRB. The PRB plans to document the final PRB recommendation to accept the petition for review, in part, in an acknowledgement letter to the petitioner by March 8, 2010. 	01/07/10 01/21/10 & 2/1/10 02/03/10 02/12/10

FACILITY: Nuclear Reactors & Fuel Cycle Facilities
REACTOR TYPE: Generic
PETITIONER: Sherwood Martinelli



**OPEN PETITION
 UNDER
 CONSIDERATION
 EDO # G20090705**

DATE OF PETITION: DECEMBER 15, 2009
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: JANUARY 8, 2010
PETITION MANAGER: ANTHONY MARKLEY
CASE ATTORNEY: BRETT KLUKAN

NO IMAGE AVAILABLE

ACTIONS REQUESTED AND ISSUES

For detailed reasons specified within the petition request, the petitioner raises a generic issue for all licenses and license holders of commercial nuclear reactors and fuel cycle facilities, as it relates to being in possession of weapons grade nuclear materials. The petitioner requests that the NRC take enforcement action taken immediately to shut down all of the reactors until they are in full compliance with all of the applicable *Code of Federal Regulations* (10 CFR) and NUREG rules, regulations, and guidelines.

BACKGROUND, ACTIONS & KEY MILESTONES		CURRENT STATUS AND NEXT STEPS	
		PETITION AGE: ~3 MONTHS	
The petitioner filed a petition for an enforcement action under 10 CFR 2.206.	12/15/09	<ul style="list-style-type: none"> On February 19, 2010, the petition manager informed the petitioner of the PRB decision. The PRB plans to document its decision in a closure letter to the petitioner by April 16, 2010. 	02/19/10
On January 7, 2010, the OEDO approved an extension request until April 16, 2010. Since this petitioner raised a generic issue to all commercial nuclear reactors and fuel cycle facilities, additional time was needed to identify the appropriate office leads to support the PRB discussions.	01/07/10		
On January 8, 2010, the petition manager contacted the petitioner by email to discuss the 10 CFR 2.206 process and to offer the petitioner an opportunity to address the PRB. The petition manager requested a response from the petitioner by January 11, 2010. The petitioner did not provide any response to the petition manager.	01/08/10		
On January 20, 2010, the PRB met internally to discuss the request for immediate action and determined that there were no significant safety, environmental, or security issues raised by the petitioner that warrant any action to be taken by the agency at this point. Therefore the PRB denied the petitioner's request for immediate action to shut down all of America's reactors. The PRB also discussed the additional requests contained within the petition. In accordance with MD 8.11, Section 2.206 states that the NRC staff will not treat general opposition to nuclear power or a general assertion of a safety problem, without supporting facts, as a formal petition under 10 CFR 2.206. As such, the PRB determined that the petition meets the scope of a request that should not be considered for review under the 2.206 process.	01/20/10		

FACILITY: Indian Point (IP), Unit 3
REACTORTYPE: Pressurized Water Reactor
PETITIONER: Sherwood Martinelli



**OPEN PETITION
 UNDER
 CONSIDERATION
 EDO # G20090723**

DATE OF PETITION: DECEMBER 29, 2009
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: JANUARY 7, 2010
PETITION MANAGER: JAMES KIM
CASE ATTORNEY: N/A



ACTIONS REQUESTED AND ISSUES

For detailed reasons specified within the petition request, the petitioner requests that the NRC seek enforcement action, as described in the petition, against Entergy, the licensee for Indian Point , Unit 3 (IP3), on the basis that he believes there is a critical leak in the IP3 reactor core shell. In addition, the petitioner request immediate shutdown of IP3.

BACKGROUND, ACTIONS & KEY MILESTONES

CURRENT STATUS AND NEXT STEPS

PETITION AGE: ~3 MONTHS

The petitioner filed a petition for an enforcement action under 10 CFR 2.206.	12/29/09	<ul style="list-style-type: none"> Additional requests for the NRC to consider, from the petitioner, are described in the petition. These additional requests were considered by the PRB on February 18, 2010, when the PRB met internally for the purpose of making the initial recommendation. However, an initial recommendation was deferred until a future date because the PRB needed to obtain additional support from NRC staff before proceeding with the initial recommendation. 	02/18/10	
<p>On January 6, 2010, the PRB met to discuss the request for immediate action. The PRB did not identify any immediate safety concerns to warrant an immediate shutdown of IP3. Thus the PRB denied the petitioner's request for immediate action. In an email dated January 7, 2010, the petitioner was informed of the PRB's decision.</p> <p>Please note that although the petitioner's request was for an immediate shutdown of IP3, the PRB believes that the petitioner made an error in referencing IP3 since the concerns he raised are only relevant to IP2. Given that, the PRB did not identify any immediate safety concerns to warrant an immediate shutdown of IP2. The petition manager plans to clarify this point with the petitioner to ensure that his references to IP3 within the petition were in fact a typographical error. To date, the petitioner has not provided any clarification.</p>	01/06/10		<ul style="list-style-type: none"> On March 10, 2010, the PRB plans to meet to make the initial recommendation. 	03/10/10
On January 26, 2010, the PRB requested an extension to permit time to support additional interactions with the petitioner and to support internal PRB meetings necessary to reach a final recommendation. The OEDO approved an extension until March 31, 2010.	01/26/10			

FACILITY: Vermont Yankee Nuclear Power Station
REACTOR TYPE: Boiling Water Reactor
PETITIONER: Michael Mulligan



**OPEN PETITION
 UNDER
 CONSIDERATION
 EDO # G20100027**

DATE OF PETITION: JANUARY 12, 2010
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: FEBRUARY 23, 2010
PETITION MANAGER: JAMES KIM
CASE ATTORNEY: MOLLY BARKMAN



ACTIONS REQUESTED AND ISSUES

The petitioner believes that the radioactive leak at Vermont Yankee poses risks to human health and environment and he requests that Vermont Yankee be immediately shutdown and all leaking paths be isolated. The petitioner requests that the radioactive leak into the environment of Vermont Yankee be immediately stopped and Vermont Yankee be immediately shutdown and all leaking paths be isolated. The petitioner also requests that Vermont Yankee disclose its preliminary "root cause analysis" and that the NRC releases its preliminary investigative report on this before plant start-up.

BACKGROUND, ACTIONS & KEY MILESTONES

CURRENT STATUS AND NEXT STEPS

PETITION AGE: ~2 MONTHS

The petitioner filed a petition for an enforcement action under 10 CFR 2.206.	01/12/10
On January 15, 2010, the petition manager contacted the petitioner by email to discuss the 10 CFR 2.206 process and offer the petitioner an opportunity to address the PRB. On January 20, 2010, the petitioner accepted this opportunity to address the PRB.	01/15/10
On January 25, 2010, the petitioner addressed the PRB by telephone.	01/20/10
On February 1 and 4, 2010, the PRB met internally to consider the additional information received and to make an initial recommendation. The PRB's initial recommendation is that the petition meets the criteria for rejection because the issue raised has already been the subject of NRC staff review, and a resolution has been achieved.	02/01/10 & 02/04/10

<ul style="list-style-type: none"> On February 12, 2010, the petition manager informed the petitioner of the PRB's initial recommendation. The petitioner requested a second opportunity to address the PRB. 	02/12/10
<ul style="list-style-type: none"> On February 23, 2010, the petitioner addressed the PRB by telephone to provide additional information in support of his petition. The PRB is currently evaluating the additional information provided by the petitioner, before it meets internally to make a final recommendation. 	02/23/10
<ul style="list-style-type: none"> On February 26, 2010, the PRB obtained approval from the NRR Office Director to consolidate this petition with similar Vermont Yankee 2.206 petitions from Mr. Shadis (G20100074) and Mr. Saporito (G20100098) in accordance with MD 811, "Criteria for Consolidating Petitions." The petition manager has notified each Vermont Yankee petitioner of the PRB's decision to consolidate all of the similar VY 2.206 petitions. 	02/26/10

FACILITY: Palisades Nuclear Plant
REACTOR TYPE: Pressurized Water Reactor
PETITIONER: Michael Mulligan



**OPEN PETITION
 UNDER
 CONSIDERATION
 EDO # G2010053**

DATE OF PETITION: JANUARY 28, 2010
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: FEBRUARY 18, 2010
PETITION MANAGER: MAHESH (MAC) CHAWLA
CASE ATTORNEY: N/A



ACTIONS REQUESTED AND ISSUES

For detailed reasons discussed in the petition, Mr. Mulligan identified his concern regarding the 20 year Palisades nuclear relicensing, which was completed on January 18, 2007. He is challenging the NRC activities during relicensing of the plant without addressing the swollen fuel racks problem identification and correction. He also accuses NRC of wrongdoing and states that NRC participated in a cover-up through delaying of inspection activities to obfuscate the connection of relicensing and the swelling of the fuel racks.

BACKGROUND, ACTIONS & KEY MILESTONES

CURRENT STATUS AND NEXT STEPS

PETITION AGE: ~1 MONTH

The petitioner filed a petition for an enforcement action under 10 CFR 2.206.	01/28/10	<ul style="list-style-type: none"> On February 18, 2010, the petitioner addressed the PRB by telephone. The PRB is currently evaluating the additional information provided during the telephone conference. The PRB plans to meet internally on March 9, 2010, to make an initial recommendation. 	02/18/10
On February 1, 2010, the petition manager contacted the petitioner by email to discuss the 10 CFR 2.206 process and offer the petitioner an opportunity to address the PRB. On February 1, 2010, the petitioner accepted this opportunity to address the PRB.	02/01/10		

FACILITY: Vermont Yankee Nuclear Power Station
REACTOR TYPE: Boiling Water Reactor
PETITIONER: Raymond Shadis, New England Coalition (NEC)



**OPEN PETITION
 UNDER
 CONSIDERATION
 EDO # G20100074**

DATE OF PETITION: FEBRUARY 8, 2010
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: FEBRUARY 19, 2010
PETITION MANAGER: JAMES KIM
CASE ATTORNEY: MOLLY BARKMAN



ACTIONS REQUESTED AND ISSUES

For detailed reasons discussed within the petition request, the petitioner requested that the NRC immediately require that Vermont Yankee be placed in cold shutdown and depressurize all systems in order to slow or stop the leak. The NEC also requests that VY be held in cold shutdown until all leaks of radio-contaminants have repaired, all buried pipes replaced, and until the affected area (of the leaks) is radiologically characterized together with a determination of its potential additional cost of remediation in decommissioning.

BACKGROUND, ACTIONS & KEY MILESTONES

CURRENT STATUS AND NEXT STEPS

PETITION AGE: ~1 MONTH

The petitioner filed a petition for an enforcement action under 10 CFR 2.206. 02/08/10

On February 17, 2010, the PRB met to discuss the request for immediate action. The PRB did not identify any immediate health or safety concerns to warrant an immediate shutdown of Vermont Yankee. Thus the PRB denied the petitioner's request for immediate action. 02/17/10

- On February 19, 2010, the petition manager informed the petitioner of the PRB's decision regarding the request for immediate action. The petitioner was also offered an opportunity to address the PRB prior to its internal meeting to make the initial recommendation. The petitioner accepted this opportunity and requested to address the PRB by telephone on March 3, 2010. 02/19/10
- On February 26, 2010, the PRB obtained approval from the NRR Office Director to consolidate this petition with similar Vermont Yankee 2.206 petitions from Mr. Mulligan (G20100027) and Mr. Saporito (G20100098) in accordance with MD 811, "Criteria for Consolidating Petitions." The petition manager has notified each Vermont Yankee petitioner of the PRB's decision to consolidate all of the similar VY 2.206 petitions. 02/26/10

FACILITY: Vermont Yankee Nuclear Power Station
REACTOR TYPE: Boiling Water Reactor
PETITIONER: Thomas Saporito



**OPEN PETITION
 UNDER
 CONSIDERATION
 EDO # G2010098**

DATE OF PETITION: FEBRUARY 20, 2010
DIRECTOR'S DECISION (DD) TO BE ISSUED BY: NRR
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: MARCH 1, 2010
PETITION MANAGER: JAMES KIM
CASE ATTORNEY: MOLLY BARKMAN



ACTIONS REQUESTED AND ISSUES

For detailed reasons described in the petition, the petitioner requested that the NRC immediately bring the Vermont Yankee to a "cold-shut-down" mode of operation until such time as (1) the "root-cause" of the radioactive tritium leak can be determined; and (2) the tritium leak repaired and verified by an independent NRC contractor or state contractor; and (3) Licensee executives that gave false and misleading information to state officials are removed from positions of authority in the oversight and operation of Vermont Yankee.

BACKGROUND, ACTIONS & KEY MILESTONES

CURRENT STATUS AND NEXT STEPS

PETITION AGE: ~1 MONTH

The petitioner filed a petition for an enforcement action under 10 CFR 2.206.	02/20/10	• On February 26, 2010, the PRB obtained approval from the NRR Office Director to consolidate this petition with similar Vermont Yankee 2.206 petitions from Mr. Mulligan (G20100027) and Mr. Shadis (G20100074) in accordance with MD 811, "Criteria for Consolidating Petitions." The petition manager has notified each Vermont Yankee petitioner of the PRB's decision to consolidate all of the similar VY 2.206 petitions.	02/26/10
On February 25, 2010, the PRB met to discuss the request for immediate action. The PRB did not identify any immediate health or safety concerns to warrant an immediate shutdown of Vermont Yankee. Thus the PRB denied the petitioner's request for immediate action.	02/25/10	• On March 1, 2010, the petition manager informed the petitioner of the PRB's decision regarding the request for immediate action. The petitioner was also offered an opportunity to address the PRB prior to its internal meeting to make the initial recommendation. The petitioner accepted this opportunity and requested to address the PRB by telephone on March 8, 2010.	03/01/10

FACILITY: Nuclear Fuel Services, Inc
REACTOR TYPE: N/A – Fuel Cycle Facility
PETITIONER: Barbara O’Neal, Erwin Citizens Awareness Network



**OPEN PETITION
 UNDER
 CONSIDERATION
 EDO # G2010082**

DATE OF PETITION: FEBRUARY 08, 2010
DIRECTOR’S DECISION (DD) TO BE ISSUED BY: NMSS
PROPOSED DD ISSUANCE: N/A
FINAL DD ISSUANCE: N/A
LAST CONTACT WITH PETITIONER: FEBRUARY 23, 2010
PETITION MANAGER: PETER HABIGHORST
CASE ATTORNEY: MOLLY BARKMAN



ACTIONS REQUESTED AND ISSUES

For detailed reasons described in the petition, the petitioner requested that the NRC immediately and permanently shutdown the Commercial Development Line (CD Line), including all removal of all stored UF6 from Erwin. As described in the petition, the petitioner also makes a number of other requests for NRC consideration.

BACKGROUND, ACTIONS & KEY MILESTONES		CURRENT STATUS AND NEXT STEPS	
		PETITION AGE: ~1 MONTH	
The petitioner submitted a letter to Chairman Jaczko .	02/08/10	<ul style="list-style-type: none"> On March 1, 2010, the PRB met to discuss the petition. The PRB are currently in the process of evaluating the 10 CFR 2.206 petition. 	03/01/10
After reviewing the letter, the NRC staff determined that the letter should be treated as a 10 CFR 2.206 petition. On February 18, 2010, the OEDO assigned this letter to the Office of Nuclear Material Safety and Safeguards as a 10 CFR 2.206 petition for review.	02/18/10		
On February 23, 2010, the petition manager informed the petitioner about the 10 CFR 2.206 process. The petitioner declined to follow the 10 CFR 2.206 process to address its correspondence.	02/23/10		

Enclosure 2
ML100610501
Age Statistics for Open
10 CFR 2.206 Petitions

AGE STATISTICS FOR AGENCY 10 CFR 2.206 OPEN PETITIONS

Assigned Action Office	Facility/ Petitioner	Incoming Petition	PRB Meeting ¹	Acknowledgment Letter/Days from Incoming Petition ²	Proposed Director's Decision/Age in Days ³	Final Director's Decision/Age in Days ⁴	Comments If Not Meeting the Agency's Completion Goals
NRR	Turkey Point, Units 3 and 4 / Thomas Saporito G20090107	1/11/09	3/05/09 64 days	11/19/09 311 days			On March 3, 2009, the petition was assigned to NRR as a 2.206 petition. The first PRB meeting was held on March 5, 2009. The acknowledgement letter issuance was delayed to support additional interactions with the petitioner and to coordinate with Region II prior to documenting the final PRB recommendation.
NRR	Idaho State University, Research & Test Reactor / Kevan Crawford G20090374	6/26/09	9/15/09 81 days	11/19/09 146 days			The PRB meeting was delayed to support a request from the petitioner to address the PRB by phone, before it met internally to make an initial recommendation. There were several schedule conflicts, therefore we were not able to hold a call with the petitioner until September 1, 2009. The delay in holding the PRB meeting also impacted our ability to issue an acknowledgement letter in accordance with the NRC's timeliness goals.

¹ Goal is to hold a Petition Review Board meeting, which the petitioner is invited to participate in, within 2 weeks of receipt of petition.

² Goal is to issue acknowledgment letter within 35 days of the date of incoming petition.

³ Goal is to issue proposed Director's Decision within 120 days of the acknowledgment letter.

⁴ Goal is to issue final Director's Decision within 45 days of the end of the comment period.

NRR	Indian Point, Units 2 and 3; Vermont Yankee Nuclear Station G20090487	8/22/09	12/08/09 109 days	12/17/09 117 days			The PRB meeting was delayed to support a request from the petitioner to address the PRB by phone, before it met internally to make an initial recommendation. The delay in holding the PRB meeting also impacted our ability to issue an acknowledgement letter in accordance with the NRC's timeliness goals.
NRR	Prairie Island	09/04/09	10/13/10 39 days	01/15/10 133 days			The PRB meeting was delayed to support a request from the petitioner to address the PRB by phone, before it met internally to make an initial recommendation. The delay in holding the PRB meeting also impacted our ability to issue an acknowledgement letter in accordance with the NRC's timeliness goals.